

best qualified to carry out some aspect of the poverty program whether or not they are related to a particular church. The question is, Are they doing the job that we need and the job that the American people and the American Congress want?

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, the gentleman from Alabama [Mr. BUCHANAN] certainly raised an important point. The gentleman from Michigan says in his view this does not constitute any danger in church-State relationships. I would like to ask the gentleman from Alabama if he has any indication of any church that has used their relation with the poverty program in a way that he thinks unsound?

Mr. BUCHANAN. I thank the gentleman for his question.

May I say in response to the gentleman from Michigan that so far as I am concerned, whether a church is acting as an agent of the Federal Government or whether Federal funds are being employed in implementation of a church program, in either event it seems to me to be a union and a partnership which is unwise and which in my considered judgment is unconstitutional.

May I say further there have been at least to my knowledge 86 grants made to public corporations formed by churches and church implemented programs where Federal funds have gone into these programs and where they have been managed by a church group, however indirectly.

May I say, this certainly is an establishment of religion.

As a specific answer to the question of my colleague, the gentleman from Georgia, I would say, although I do not desire to point an accusing finger at any church, it is well to point out the danger in the union between church and state in this kind of program. By way of illustration, permit me to read the statement of a man whom I have known for years and whose integrity and character I can vouch for, Constable Jack Bailey of my own district. This is a statement that he made and had notarized and is in the form of an affidavit:

While carrying out my duties as constable of precinct 10 in Jefferson County, I encountered two young men going door to door. I had occasion to serve a civil process at one house at the same time that one of the boys was there.

First, he said that he was working with Operation Head Start. He then asked if anyone in the household was a member of a specific religion. He asked if any persons living there was interested in this particular religion and if they would accept some literature on the religion. He then asked for their names and addresses so that he might send additional literature. He then asked if all adults in the family were registered voters because he said he was helping on the voter registration drive.

I was working the same area and managed to approach another house just behind this person and heard the same story again. I then stopped him and talked with him. He said that his home was in Long Island, N.Y., and that he was in Birmingham for the summer. He said he worked on canvassing in the morning and at . . . (church) on Operation Head Start in the afternoon.

I prefer not to mention the name of the church.

That is signed and notarized and there will be a copy of this in the Record tomorrow.

Whether this is an isolated instance or just one example of a pattern across this Nation generally, I do not and cannot know. All I know is that there is grave danger when we take the risk that we have taken with the principle of separation of church and state and when we, by whatever means look lightly upon and deal lightly with the first amendment and the principle it embodies.

Mr. CALLAWAY. I would just like to say that the distinguished gentleman from Alabama is a distinguished minister in his own right and no one feels more strongly about this question than he.

I would certainly like to compliment him and point out, even if it is only an isolated instance, that there is extreme danger of a union of church and state in paying people with Federal funds who go out in the name of a church to solicit for that church.

No matter how worthy the church may be, or how worthy the cause, certainly each and every one of us should agree that Federal funds under this program should not be expended to help recruit for any church.

Mr. POWELL. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

I respect my fellow Baptist clergyman from Alabama. It is a well-known fact that we Baptists do not get along too well together, anyway. I am a Baptist clergyman.

Baptist bred and Baptist born, gonna go to heaven, and blow a Baptist horn.

I should like to read from the official guidelines of the OEO, the special conditions existing when a community action component is delegated to a church or church-related organization:

(a) None of the grant funds shall be used for the teaching of religion, for religious proselytization, or religious worship.

(b) There shall be no religious instruction, proselytization or worship in connection with any program supported in whole or in part by this grant.

(c) Admission to any of the programs supported by this grant shall not be based directly or indirectly on religious affiliation or on attendance at a church, church-related school or other church-related institution or organization. Affirmative steps shall be taken to make known the general availability of such programs in the area served.

(d) Participation in programs supported in whole or in part by this grant shall not be used as a means of inducing participation in sectarian or religious activities or of recruitment for sectarian or religious institutions.

(e) All materials, such as reading materials, used in programs supported in whole or in part by this grant shall be devoid of sectarian or religious content.

(f) Facilities renovated or rented for programs financed in whole or in part by this grant shall be devoid of sectarian or religious symbols, decoration, or other sectarian identification. Other facilities used primarily for such programs shall, to the maximum feasible extent, be devoid of sectarian or religious symbols, decoration, or other sectarian identification.

(g) Grant funds shall not be used in any manner to release funds regularly expended

by the church or church-related institution or organization. For example, grant funds shall not be used to pay in any part costs which would otherwise be incurred by the church or church-related institution or organization in its regular operation.

The grantee will, before executing a contract with any church or church-related institution or organization, submit the proposed contract to OEO for approval.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

I have listened with great interest to the regulations of the Office of Economic Opportunity, just read for us by the chairman of the committee. It seems to me the very fact that such elaborate and detailed instructions and regulations exist bears rather eloquent proof of the fact which the gentleman from Alabama was trying to point out in offering his amendment; that the inherent possibility of abuse under this provision of permitting grants to church corporations and religious organizations is there, whether we like it or not. It is simply a fact of life that people do not always live up to the regulations.

I believe it is extremely important that we take a careful look, before we vote on this amendment, at the precise language of the amendment offered by the gentleman from Alabama: "except that the Director shall make no grant to, and shall not contract with, any church or other religious body."

I do not believe the gentleman means to suggest by the amendment that we need to shut the churches out from participation in Project Head Start or community action programs or anything else. Let me give a specific example from my own home community of Rockford, Ill. Under title II application for a community action program was started under the aegis of a nonprofit corporation. One of the incorporators was a very prominent Unitarian minister in our community. He was active in the nonprofit corporation, which sought a planning grant under title II of the Economic Opportunity Act.

This should not invalidate the grant. This does not violate the principle of separation of church and state. This is the kind of participation I believe we can and should encourage on the part of the clergy, and on the part of organized churches. But it is a very different thing indeed when we go so far as actually to make a grant of money to a church or a church organization or group. This is what the gentleman is objecting to. This is what I believe, that if we are really interested in preserving this very salutary and important principle of separation between the church and the state, everybody in this Chamber ought to be able to agree with. I have been in this body now for going on 5 years, and I have watched, as some of you know, with growing concern the fact that little by little we are eating away and eroding the very basis of that doctrine. It is something of an anomaly that we have one branch of the Federal Government; namely, the Supreme Court of the United States, which by its decisions time and time again in interpreting the establishment of religion clause of the first amendment to the Constitution shows it is aware of this danger

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and that it is determined that there shall not be a breaking down of the barriers between church and state. Yet in this Congress, when it comes time to legislate on this and other programs, we are very cavalier in our disregard of this doctrine and we make light of it and say that we have regulations and that the administrators have been instructed as to how to carry out a particular program and we should not worry about it. I think that the time has come for this Congress to write into the law the very simple, plain, clear, and unequivocal language proposed in this amendment and once again to reaffirm and reestablish what is an important and basic fundamental concept under our Constitution.

Mr. POWELL. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. UDALL. Mr. Chairman, I move to strike out the necessary number of words.

(Mr. UDALL asked and was given permission to revise and extend his remarks.)

[Mr. UDALL addressed the Committee. His remarks will appear hereafter in the Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. BUCHANAN].

The amendment was rejected.

Mr. POWELL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ROONEY of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8283) to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964, had come to no resolution thereon.

#### GENERAL LEAVE TO EXTEND

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members have permission to revise and extend their remarks made in the debate today and to include extraneous matter and tables and charts.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

#### HOURLY OF MEETING TOMORROW

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

#### WHERE ARE OUR ASIAN FRIENDS?

(Mr. JOELSON asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. JOELSON. Mr. Speaker, since the hostilities in Vietnam are specifically for the purpose of aiding the people of Asia to avoid the danger of a Communist takeover, it is a matter of serious concern to me that most of the free nations of Asia as well as most of our so-called allies in the Southeast Asia Treaty Organization are deliberately looking the other way.

At a time when we hear talk of calling up our own military reserves, we may well ask where are the troops of those Asiatic nations whose very fate will be determined by the outcome of the bloody struggle in Vietnam.

Where are the Philippine soldiers, or the Japanese, or the Pakistani? Where are the Indian troops who know intimately the danger of Red aggression? They are at home watching us protect Asia with American lives.

Not only would increased Asian participation buoy the morale of our own fighting forces, it would also indicate to the world, Communist and non-Communist alike, that the battle in Vietnam is to protect Asia itself, and that there is some desire upon the part of the people of Asia to resist Communist aggression.

I urge our State Department to face up to this situation, and persuade the governments of Asia to protect themselves.

#### MILITARY PAY RAISE

(Mr. SCHISLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHISLER. Mr. Speaker, yesterday H.R. 9075, to authorize a military pay raise, was considered and voted upon. I was unavoidably detained while in performance of my duties and my vote was, therefore, not recorded on this issue.

Mr. Speaker, had I been present at the time the vote was taken, I would have voted in favor of such pay increases.

#### PROFESSIONAL ATHLETIC TEAM OWNERS AND SPORTS FANS

(Mr. ROGERS of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Colorado. Mr. Speaker, I am introducing today for appropriate reference a bill which has been called for by the Supreme Court, professional athletic team owners and sports fans throughout the country. This bill is similar in many respects to bills which have been introduced in the past but have failed enactment largely as a result of a lack of time. The bill places the professional team sports of football, baseball, basketball, and hockey under the provisions of our antitrust laws. The bill then provides for specific exemptions which apply solely to the "sports" aspects of these ventures and not to the related business aspects.

Baseball has exempted from the antitrust laws as a result of two decisions of the U.S. Supreme Court. In 1922 in

*Federal Baseball Club of Baltimore v. National League*, 259 U.S. 200, the Supreme Court ruled that baseball was not a commercial enterprise so the antitrust laws did not apply. In 1953 in *Toolson v. New York Yankees*, 346 U.S. 356, the Court affirmed this holding and stated:

We think that if there are evils in this field which now warrant application to it of the antitrust laws, it should be by legislation.

I shall not reiterate the numerous bills on which there have been hearings and passage by one body or the other since Supreme Court admonition, but I should like to point out the anomaly of baseball being generally exempted from the antitrust laws whereas the Supreme Court has included football—*Radovich v. National Football League*, 352 U.S. 443 (1957) and boxing—*United States v. International Boxing Corporation of New York*, 348 U.S. 236 (1955)—within the provisions of the antitrust laws. In addition to correcting this discrimination my bill makes four specific proposals which are essential to the continued success of professional sports enterprises. These exemptions provide that the antitrust laws would not apply to contracts, rules, or regulations of the various leagues or teams for:

First. Equalizing competitive player strengths;

Second. The employment, selection, or eligibility of players, or the reservation, selection, or assignment of player contracts, provided that each person who participates as an employer in a plan of selection of players or player contracts shall permit all other persons so engaged in the same professional sport at the same level to participate in such plan on an equitable basis;

Third. The right to operate within specific geographic areas; and

Fourth. The preservation of public confidence in the honesty of sports contests.

In addition to the exemptions which have been contained in most of the bills which have been introduced in the past, my bill provides a unique new feature which would require a common draft by all clubowners who participate in the same professional sport at the same level where the draft is used as a means of assigning rights to player contracts. The purpose of this amendment is to assist in the equalization of player strengths for all teams participating in the same sport at the same level. It would give the less wealthy teams in the professional sport equality with the more wealthy teams in the same sport in bidding for player personnel. The common draft is currently the practice in baseball and it should also be permissible for other sports enterprises without fear of antitrust implications.

I represent in Congress the heart of a large metropolitan area which has shown a strong resurgent interest in professional sports. That is one of the reasons—although certainly not the sole reason—that I have introduced a companion bill to S. 950, the sports bill being considered by the Senate.

My bill, as I have indicated, would go one step beyond S. 950, in that it would make mandatory, rather than merely authorize, a common draft of players by the two major football leagues—the Na-